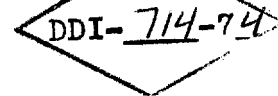


OGC 74-0417



8 March 1974

MEMORANDUM FOR: Director of Central Intelligence

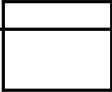
SUBJECT : Report to Department of State
on International Agreements

1. Action Requested: Attached for your signature is a response to a request that the Agency report to the Department of State all international agreements to which the Agency is a party in order that the Department may determine which, if any, must be transmitted to the Congress in accordance with the terms of the Case Act.
2. Basic Data: I have been in touch with Mr. Charles I. Bevans, Assistant Legal Adviser for Treaty Affairs for the State Department, and he is expecting the attached negative response to the Secretary of State. In interpreting their responsibility under the Case Act, the Department is primarily concerned with agreements which are signed "for the United States" or which purport to bind the U.S. Government, and particularly those which are made subject to the availability of funds and, therefore, are commitments for expenditures of funds not yet appropriated. The Department considers most subordinate agreements between a U.S. agency and a foreign agency to be "trivia" insofar as the reporting of international agreements is concerned. We have told both Mr. Bevans and the former Deputy Legal Adviser, Mr. Charles N. Brower, that we consider our intelligence gathering and sharing arrangements, liaison arrangements, and other understandings with foreign agencies to fall into this category and, therefore, not reportable under the Case Act.
3. The negative response to the Department of State is based upon my review in conjunction with the responsible Agency components of all understandings with representatives or agencies

of foreign governments. While this extensive review did not turn up any understandings that we consider reportable, some of those predating the Case Act indicate a need for caution in the form and terminology of such understandings.

4. Recommendation: Therefore, in order to avoid the possibility of an Agency representative inadvertently entering into an agreement which technically is reportable, I recommend that a regulation or instruction be issued requiring that any proposed understanding to be formalized in writing be reported to the General Counsel for a determination as to whether or not it would fall under the Case Act reporting requirements and for advice and assistance in modifying the agreement, if necessary, so it will not be reportable under the Case Act.

STAT


Deputy General Counsel 

STAT

Attachments

APPROVED: /s/ W. E. Colby

9 MAR 1974

DISAPPROVED: _____

Date

Distribution for Memo to the Director from Deputy General Counsel
Subject: Report to Department of State on International Agreements
Dated 8 March 1974

Original - DCI

1 - DDCI

1 - ER via Exec. Secty.

1 - DDO

1 - DDI ✓

1 - DDM&S

1 - DDS&T

1 - OGC